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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,229	12/20/2004	Seiji Hiraka	30391-19	7303

7590 10/10/2006  
Mitchell P Brook  
Luce Forward Hamilton & Scripps  
11988 El Camino Real  
Suite 200  
San Diego, CA 92130

EXAMINER

WENDLER, ERIC J

ART UNIT	PAPER NUMBER
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2824

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/519,229

Applicant(s)

HIRAKA, SEIJI

Examiner

Eric Wendler

Art Unit

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/20/04 and 7/6/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: EAST search history.

### **DETAILED ACTION**

1. This office action is responsive to the following communications: the Application filed on December 20, 2004, and the Information Disclosure Statements filed on December 20, 2004, and July 6, 2006.

2. Claims 1-12 are pending in the case. Claims 1, 9, 12, are independent claims.

#### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JP 2002-179902, filed on June 20, 2002.

#### ***Information Disclosure Statement***

7. The information disclosure statements (IDS) submitted on December 20, 2004, and July 6, 2006, are in compliance with the provisions of 37 CFR 1.97 and have been considered by the examiner.

#### ***Specification***

8. Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," "Disclosed," etc. The abstract of the disclosure is objected to because of this reason. Correction is required. See MPEP § 608.01(b).

9. The disclosure is objected to because of the following informalities: the title contains a misspelling. "Momory" should be changed to --Memory--. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 discloses a computer program. As set forth by MPEP 2106, computer programs are not physical things. They are neither computer components nor statutory processes, as they are not "acts" being performed. Claim 12 must be amended to claim some sort of computer readable medium that is able to perform a computer program, or must cancel the claim.

***Allowable Subject Matter***

11. Claims 1-11 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter: regarding independent claims 1, 9, the prior art fails to teach the specific process claimed whereby a controller discriminates whether new written data should replace old stored data stored in logical pages, and writes validity data to determined whether the old stored data is valid or invalid rather than erasing. Claims 1, 9, are therefore allowable over the prior art. Claims 2-8, 10-11, are dependent upon independent claims 1, 9, and are therefore also allowable.

**Conclusion**


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robinson et al. (5,428,579), Nakamura et al. (5,761,122), Korsh et al. (5,901,089), Hiraka (5,987,573), and Srinivasan (6,865,122), all teach memory systems for writing and erasing blocks within flash memories.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wendler whose telephone number is (571) 272-5063. The examiner can normally be reached on Monday - Friday 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJW  
10/1/06

  
RICHARD ELMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800